

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KIARA ROBLES,  
Plaintiff

v.

IN THE NAME OF HUMANITY, WE  
REFUSE TO ACCEPT A FASCIST  
AMERICA, et al..

Defendants.

Case No. 17-cv-04864-CW

ORDER FOR OPPOSITION TO  
MOTION TO DISMISS

IN THE NAME OF HUMANITY, WE  
REFUSE TO ACCEPT A FASCIST  
AMERICA, et al..

## Defendants.

11 On October 5, 2018, Plaintiff Kiara Robles filed her Second  
12 Amended Complaint against Defendants Raha Mirabdal and Ian Dabney  
13 Miller. Docket No. 93. On October 18, 2018, Defendant Mirabdal  
14 filed her Motion to Dismiss Second Amended Complaint. Docket No.  
15 96. Pursuant to Civil Local Rule 7-3, Plaintiff's response was  
16 due on November 1, 2018. Plaintiff has yet to file her response.

17 "Pursuant to Federal Rule of Civil Procedure Rule 41(b), the  
18 district court may dismiss an action for failure to comply with  
19 any order of the court." Ferdik v. Bonzelet, 963 F.2d 1258, 1260  
20 (9th Cir. 1992). In addition, failure to file an opposition to a  
21 motion to dismiss is grounds for dismissal under the Local Rules.  
22 Calip v. Soc. Sec. Admin., 14-cv-2047-JD, 2014 WL 3421147, at \*2  
23 (N.D. Cal. July 14, 2014). Nevertheless, the Court will afford  
24 Plaintiff an opportunity to file a response to Defendant's Motion  
25 to Dismiss due no later than seven days from the filing of this  
26 Order.<sup>1</sup> If Plaintiff's counsel, Mr. Kolodzi, does not file an

<sup>1</sup> The Court is aware that Plaintiff is represented only by Mr. Michael Kolodzi after the Court revoked pro hac vice status

United States District Court  
Northern District of California

1 opposition by this date, Plaintiff should seek substitute counsel  
2 or will need to represent herself pro per. In such instance,  
3 Plaintiff will be granted an additional seven days, totaling  
4 fourteen days from the date of this Order to file a response.

5 If Plaintiff files a response, Defendant Mirabdal will have  
6 the opportunity to file her reply due no later than seven days  
7 after Plaintiff's response. Once the Motion is fully briefed,  
8 the Court will decide if the motion is suitable for disposition  
9 on the papers pursuant to Local Rule 7-1(b). The Court will set  
10 a new hearing date if needed. Thus, the hearing date for  
11 November 27, 2018 is hereby VACATED.

12 Failure to respond to Defendant Mirabdal's Motion to Dismiss  
13 may result in the motion being granted and may result in the  
14 dismissal of Plaintiff's claim against Defendant Mirabdal.

15 IT IS SO ORDERED.

16  
17 Dated: November 13, 2018



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18 CLAUDIA WILKEN  
19 United States District Judge

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26 of Mr. Kolodzi's co-counsel, Mr. Larry Klayman. As noted in the  
27 Court's prior order, see Docket No. 99 at 5, if Mr. Kolodzi can  
28 no longer represent Ms. Robles, then he may seek permission from  
the Court to withdraw as Plaintiff's attorney. See Civil L.R.  
11-5.